

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

RICHARD TULLY, <div style="text-align: center;">Petitioner,</div>	}	CASE NO. 3:18-cv-04763-EMC
vs.	}	ORDER OF DISMISSAL
RONALD DAVIS, Warden of San Quentin State Prison, <div style="text-align: center;">Respondent.</div>	}	Honorable Edward M. Chen

Petitioner Richard Tully, by and through counsel, has provided notice that his death sentence has been vacated and that he has been resentenced to a non-capital term of 31 years to life in prison. Doc #67. Respondent sought this resentencing pursuant to an agreement with Petitioner. *Id.* As part of the agreement, petitioner agreed to withdraw all pending habeas claims and petitions.

Pursuant to Federal Rule of Civil Procedure 41(a)(2), on November 15, 2024, petitioner filed a Motion to Voluntarily Dismiss His Petition for Writ of Habeas Corpus Petition. Doc #68.

It is **ORDERED** that

1. The petition for writ of habeas corpus (Doc #26) is DISMISSED,
2. Any and all pending motions are DENIED as MOOT,
3. Any and all scheduled dates are VACATED, and

1 4. The Clerk is DIRECTED to close this case because this order terminates the
2 proceeding in its entirety.

3 **IT IS SO ORDERED.**

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5 Dated: January 7, 2025

Respectfully submitted,

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HONORABLE EDWARD M. CHEN
Senior United States District Judge